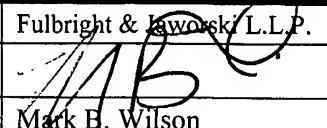


<b>TRANSMITTAL FORM</b>	Application Number:	10/551,492	
	Filing Date:	September 30, 2005	
	First Named Inventor:	Andreas MEINKE	
	Art Unit:	Unknown	
	Examiner Name:	Unknown	
Total Number of Pages in this Submission : _____		Attorney Docket Number:	SONN:078US
<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> References _____ <input type="checkbox"/> Foreign Search Report  <input type="checkbox"/> Certified Copy of Priority Documents  <input checked="" type="checkbox"/> Reply to Missing Parts/Requirements <input checked="" type="checkbox"/> Reply to Missing Parts/Requirements <input type="checkbox"/> Declaration(s) _____ <input checked="" type="checkbox"/> Copy of Notice of Missing Parts/Requirements	<input type="checkbox"/> Drawings(s) _____  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Statement under 37 CFR §3.73(b) <input type="checkbox"/> Designation of Patent Practitioners  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Check in the amount of \$ <input checked="" type="checkbox"/> Authorized to be charged to deposit account if check insufficient or inadvertently omitted Deposit account number: <u>50-1212/SONN:078US</u> <input type="checkbox"/> Sequence Statement <input type="checkbox"/> Paper Copy of Sequence Listing <input type="checkbox"/> Computer Readable Form (CRF) <input checked="" type="checkbox"/> Postcard <input checked="" type="checkbox"/> PCT Request with Rule 4.17(vi) Declaration <input type="checkbox"/> _____	
Remarks:			
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm Name	Fulbright & Jaworski L.L.P.	Customer Number	32425
Signature			
Printed Name	Mark E. Wilson	Reg. No.	37,259
Date	October 13, 2006		

## EXPRESS MAIL MAILING LABEL

NUMBER EV 603374198 USDATE OF DEPOSIT October 13, 2006

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Andreas MEINKE *et al.*

Serial No.: 10/551,492

Filed: September 30, 2005

For: S. EPIDERMIDIS ANTIGENS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: SONN:078US

EXPRESS MAIL MAILING LABEL	
NUMBER	EV 603374198 US
DATE OF DEPOSIT	October 13, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MS PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated August 14, 2006, Applicants explain why no Declaration and no Substitute Sequence Listing is required.

**A. NO ADDITIONAL INVENTORS' DECLARATION IS REQUIRED**

The Notification of Missing Requirements states that an "oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b)" must be furnished within the period set forth in order to complete the requirements for acceptance under 35 U.S.C. 371. This is incorrect, for the reasons set forth below.

**B. NO ADDITIONAL SUBSTITUTE SEQUENCE LISTING IS REQUIRED**

The Notification of Missing Requirements states that "This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825." This is incorrect for the reason set forth below.

On September 20, 2006, Sandra Bass, an employee of Fulbright & Jaworski L.L.P., held a telephone conference with Mark Spencer of STIC (Scientific & Technology Information Center), in which he indicated that the Sequence Listing Error Report was internal only for STIC to enter the application number and it should not have been attached to the Missing Parts Notice.

In addition, Applicants maintain that, in view of the above, the \$130.00 surcharge requested in the Notification of Missing Requirements is not due and should be waived. If, for some reason, the Office determines that the \$130.00 surcharge is still due, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, then the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/SONN:078US.

10/18/2006 ATRAN1 00000133 501212 10551492  
01 FC:1617 130.00 DA

37 CFR 1.497(a) states, in part:

(a) When an applicant of an international application desires to enter the national stage under 35 U.S.C. 371 pursuant to §1.495, and **a declaration in compliance with this section has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1**, he or she must file an oath or declaration... (emphasis added)

A proper declaration under PCT Rule 4.17(iv) was included with the PCT Request (additional copy of PCT Request with Rule 4.17(iv) Declaration for U.S. executed on behalf of Andreas MEINKE, Duc MIN BUI and Eszter NAGY, enclosed); the Request was signed by all the inventors in Box No. VIII(iv) and a copy of the Request was provided to the Office on September 30, 2005, the date this application was submitted to the Office by Express Mail for entry into the national stage. The copy of the PCT Request submitted to the Office on September 30, 2005, identifies both the international application to which it is directed and the filing date of the international application.

Additionally, PCT Rule 51*bis*.2 states, in part (b):

(b) Where the applicable national law requires that national applications be filed by the inventor, **the designated Office shall not, unless it may reasonably doubt the veracity of the indications or declaration concerned, require any document or evidence:**

**(iii) containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv)), if a declaration of inventorship, in accordance with Rule 4.17(iv), is contained in the request or is submitted directly to the designated Office.** (emphasis added)

Therefore, a proper declaration pursuant to PCT Rule 4.17(iv) was submitted in this national stage application, and no additional oath or declaration is required. Further, as indicated in the Notification of Missing Requirements, all other items required for acceptance under 35 U.S.C. 371 were submitted by Applicants on September 30, 2005. Pursuant to the above, this application is to be accorded a 371 date of September 30, 2005.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBW', written over the typed name.

Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: October 13, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,492	Andreas Meinke	SONN:078US

32425  
 FULBRIGHT & JAWORSKI L.L.P.  
 600 CONGRESS AVE.  
 SUITE 2400  
 AUSTIN, TX 78701

INTERNATIONAL APPLICATION NO.	
PCT/EP04/03398	
I.A. FILING DATE	PRIORITY DATE
03/31/2004	03/31/2003

CONFIRMATION NO. 3198  
 371 FORMALITIES LETTER



\*OC000000019938182\*

Date Mailed: 08/14/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- Preliminary Amendments filed on 09/30/2005
- Biochemical Sequence Diskette filed on 09/30/2005
- U.S. Basic National Fees filed on 09/30/2005
- Priority Documents filed on 09/30/2005
- Power of Attorney filed on 09/30/2005
- Specification filed on 09/30/2005
- Claims filed on 09/30/2005
- Abstracts filed on 09/30/2005
- Drawings filed on 09/30/2005
- Paper nucleotide sequence listings filed on 09/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

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Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,492	PCT/EP04/03398	SONN:078US

FORM PCT/DO/EO/905 (371 Formalities Notice)